IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.30895 of 2008
CHANDRASHEKHAR THAKUR
Versus

STATE OF BIHAR
- - - -

2. 14.8.2008 Heard.

The case is under various Sections of the Indian Penal Code, like 409, 406, etc. and concerns the payment in respect of construction of a bridge. The F.I.R. which runs into 6 pages appears based on the Audit Report. It also appears from the same that the record of the scheme was not presented before the Audit party and it was pointed out that the same had been sent for signature to one of the accused, Block Development Officer and therefrom it became traceless.

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Undisputed fact is that the present petitioner was working as a Head Clerk in Kumarkhand Block office from 29.1.2001 to 20.7.2001, i.e., for about six months or so and as per the F.I.R. an amount of one lakh appears paid during that period on 22.3.2001.

The contention is that there is no record to substantiate the allegation that, in fact, the particular amount was paid and it

was by the petitioner. The further contention is that a total amount of payment was of Rs. 5.87 lacs and that was spread over to the period 1998 to 2002 and the entie F.I.R. is silent on the specific amount paid during the tenure of the particular employee. The next contention is that the petitioner is in custody since 21.5.2008 and the prospect of the petitioner being suspended and departmentally proceeded with is always there.

Regard being had to the facts and the indefinite allegation as regards the role of the petitioner in the payment, let the above named petitioner be directed to be released from custody on his furnishing a bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Madhepura, in Kumarkhand P.S.Case No. 72 of 2003.

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Kanth

(Dharnidhar Jha, J.)